

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DASHA THARPE,

Plaintiff,

vs.

GEORGIA CVS PHARMACY,
LLC, CVS PHARMACY, INC.,
and WEC 99D-6 LLC,

Defendants.

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CIVIL ACTION

FILE NO. _____

**DEFENDANTS GEORGIA CVS PHARMACY, LLC, CVS PHARMACY,
INC., AND WEC 99D-6 LLC'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. Sections 1441 and 1446, Defendants Georgia CVS Pharmacy, LLC, CVS PHARMACY, INC., AND WEC 99D-6 LLC, by and through their attorneys, submit this Notice of Removal to the United States District Court for the Northern District of Georgia, and state the following in support of this Notice of Removal:

1. On or about **February 11, 2021**, Dasha Tharpe commenced a civil action in the Superior Court of Gwinnett County, State of Georgia, Dasha Tharpe v. Georgia CVS Pharmacy, LLC, CVS Pharmacy, Inc., and WEC 99D-6 LLC, Civil Action Number: 21-C-001184-S5.

2. The Complaint in this action was served on Defendants on February 16, 2021.

4. A true and correct copy of the Complaint and all process, pleadings, and orders served upon Defendants in this action is attached as **Exhibit A**.

5. The time for filing this Notice of Removal under 28 U.S.C. § 1446 has not yet expired.

6. Removal of this action is based upon 28 U.S.C. § 1441 in that this is a civil action brought in a state court of which the district courts have original jurisdiction under 28 U.S.C. § 1332.

7. There is complete diversity of citizenship between Plaintiff and Defendants in this action because: (a) Plaintiff is citizen of the State of Georgia; and (b) Defendant Georgia CVS Pharmacy, LLC is a Georgia limited liability company with CVS Pharmacy, Inc. as its sole member. CVS Pharmacy, Inc. is a foreign corporation with its principal place of business in Rhode Island and incorporated in Rhode Island. Defendant WEC 99D-6 LLC is a Delaware limited liability company with its principal place of business located at 490 S. Highland Avenue, Pittsburgh, PA, 15206. WEC 99D-6 LLC's sole member is Daniel Kamin. Mr. Kamin is a Pennsylvania resident.

Because Georgia CVS Pharmacy, LLC and WEC 99D-6 LLC are limited liability companies, they are each considered “a citizen of any state of which a member of the company is a citizen.” Mallory & Evans Contrs. & Eng’rs, LLC v. Tuskegee Univ., 663 F.3d 1304, 1305 (11th Cir. 2011). See also, Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1022 (11th Cir. 2004) (citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998)) (“[W]e conclude that the citizenship of an LLC for purposes of the diversity jurisdiction is the citizenship of its members.”). As such, CVS Pharmacy, Inc. and Georgia CVS Pharmacy, LLC are considered a citizen of Rhode Island for purposes of diversity jurisdiction. WEC 99D-6 LLC is considered a resident of Pennsylvania.

8. Based upon Paragraph 21-22 of Plaintiff’s Complaint, which states that Plaintiff was diagnosed with complex regional pain syndrome, she seeks future medical expenses, and her alleged injuries likely exceed \$100,000, Defendants have a good faith belief that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

WHEREFORE, Defendants respectfully request that the Court enter an Order removing Civil Action Number 21-C-001184-S5 of the Superior Court of Gwinnett County, State of Georgia, to this Court for further proceedings and that this Court take jurisdiction herein and make such further orders as may be just and proper.

This 17th day of March, 2021.

Respectfully submitted,

BENDIN SUMRALL & LADNER, LLC

/s/ Carrie A. Moss

BRIAN D. TRULOCK

Georgia Bar Number 559510

CARRIE A. MOSS

Georgia Bar Number 806050

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Counsel for Defendants

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **DEFENDANTS GEORGIA CVS PHARMACY, LLC, CVS PHARMACY, INC., AND WEC 99D-6 LLC'S NOTICE OF REMOVAL** was prepared in Times New Roman, fourteen (14) point font with a top margin of 1.5 inches.

[SIGNATURE ON FOLLOWING PAGE.]

This 17th day of March, 2021.

Respectfully submitted,

BENDIN SUMRALL & LADNER, LLC

/s/ Carrie A. Moss

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CERTIFICATE OF SERVICE

This is to certify that I have this day presented the foregoing **DEFENDANTS**
GEORGIA CVS PHARMACY, LLC, CVS PHARMACY, INC., AD WEC
99D-6 LLC'S NOTICE OF REMOVAL to the Clerk of Court by filing and
uploading to the CM/ECF system, which will automatically send e-mail notification
of such filing to the following attorney(s):

Peter A. Law, Esq.
E. Michael Moran, Esq.
Brian C. Kaplan, Esq.
LAW & MORAN
pete@lawmoran.com
mike@lawmoran.com
brian@lawmoran.com
Counsel for Plaintiff

This 17th day of March, 2021.

Respectfully submitted,

BENDIN SUMRALL & LADNER, LLC

/s/ Carrie A. Moss

BRIAN D. TRULOCK

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CARRIE A. MOSS

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Counsel for Defendants